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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,027	12/19/2001	Takao Miyoshi	05905.0154	9556

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EXAMINER	
PARTHASARATHY, PRAMILA	
ART UNIT	PAPER NUMBER
2136	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/18/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/021,027	MIYOSHI ET AL.	
	Examiner	Art Unit	
	Pramila Parthasarathy	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 27 October 2006.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-5 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-5 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 12/01/2006
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the communication filed on October 27, 2006.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Amended Claims 1 – 5 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over amended claims 13 – 16, 25 and 26 of copending Application No. 10/694,741. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the elements/features of claimed remote working of instant application exist in distributed

access control of copending application in similar or different names, essentially performing same tasks.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

3. Applicant's arguments with respect to amended Claims 1 – 5 have been fully considered but they are not persuasive for the following reasons: With respect to Claims 1 and 3, the applicant argues that the prior art does not teach amended claim limitation "means for storing a record in which first identification information stored in and inherent to each of said data processing units is associated with second identification information inherent to each of recording mediums on which data to be processed by the data processing unit is recorded". This argument is not persuasive. Examiner maintains rejection basis from the previous action.

Stebbings (6,564,253) teaches a method for using content authorization system for preventing electronic access and unauthorized use of proprietary data from a first destination to a second destination. Furthermore, Stebbings discloses, "storing a content authorization flag (first information), indicating authorized electronic access to proprietary data stored on a media" and "storing, in a media, the proprietary data (second identification information) and the encoded content authorization flag, wherein access to the proprietary data stored on the media only in responsive to a content

authorization flag indicating authorized electronic access to the proprietary data (inherent to each of said data processing units)" and "that the media can be a cassette, CD, DVD, electronic audio/video files" (Column 5 lines 9 – 28 and Column 11 lines 5 – 51).

The applicant has not explicitly claimed first information and second information to distinctly and clearly over come prior art and if the applicant has the special and unique features for first information and second information in the invention, then the examiner suggests amending the claims to explicitly recite such first and second information.

A recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art if prior art has the capability to do so perform (See MPEP 2114 and Ex Parte Masham, 2 USPQ2d 1647 (1987)).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1- 5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With respect to Claim recitation "data processing units", instant specification discloses a game processing unit, plurality of game devices, encryption unit and operating unit but does not disclose "data processing units".

The dependent claims are rejected at least by virtue of their dependency on the dependent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 – 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Stebbings (U.S. 6,564,253).

6. Regarding amended claim 1, Stebbings teaches a server; and a plurality of data processing units connected via a communication network to the server (Summary and Column 5 lines 9 – 17),

wherein said server includes: means for storing a record in which first identification information stored in and inherent to each of said data processing units is associated with second identification information inherent to each of recording mediums on which data to be processed by the data processing units is recorded (Summary; Column 5 lines 9 – 28 and Column 11 lines 11 – 30);

means for making a request to transfer, to said server, said first identification information and said second identification information, when each of said data processing units is connected to the server via the communication network (Summary; Column 5 lines 9 – 28 and Column 11 lines 11 – 30); and

means for judging which recording medium is used by which of said data processing units, by referring to said record to check a relationship between said first identification information and said second identification information obtained by said server in response to the transfer request (Summary; Column 5 lines 9 – 28 and Column 11 lines 11 – 30),

wherein the first identification information is information issued by the server to each data processing unit when the data processing unit is connected to the server via the communication network (Column 5 lines 9 –28 and Column 11 liens 11 – 30).

7. Regarding Claim 3, Stebbings teaches storing a record in which first identification information stored in and inherent to each of said data processing units is associated with second identification information inherent to each of recording mediums (Summary; Column 5 lines 9 – 28 and Column 11 lines 11 – 30);

making a request to transfer, to said server, said first identification information and said second identification information, when each of said data processing units is connected to the server via the communication network (Summary; Column 5 lines 9 – 28 and Column 11 lines 11 – 30); and

judging which recording medium is used by which of said data processing units, by referring to said record to check a relationship between said first identification information and said second identification information obtained by said server in response to the transfer request (Summary; Column 5 lines 9 – 28 and Column 11 lines 11 – 30),

wherein the first identification information is information issued by the server to each data processing unit when the data processing unit is connected to the server via the communication network (Column 5 lines 9 –28 and Column 11 liens 11 – 30).

8. Claims 2 and 4 are rejected applied as above in rejecting Claims 1 and 3. Furthermore, Stebbings teaches wherein said server issues, as said first identification information inherent to each of said data processing units a time when said data processing unit was first connected to said server via said communication network, or information using said time (Summary; Column 5 lines 9 – 28 and Column 10 lines 28 – 62).

9. Claim 5 is rejected applied as above in rejecting Claim 3. Furthermore, Stebbings teaches a computer readable recording medium with a program recorded thereon for causing a computer system to perform a method according to claim 3 or 4 (Summary and Column 8 lines 35 – 43).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-232-4195. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Pramila Parthasarathy
December 02, 2006.

12/10/06